

**MINUTES OF THE  
CITY PLANNING COMMISSION  
FEBRUARY 16, 2007  
J. MARTIN GRIESEL CONFERENCE ROOM  
TWO CENTENNIAL PLAZA – SUITE 700  
805 CENTRAL AVENUE**

**CALL TO ORDER**

Mr. Faux called the meeting to order at 9:09 a.m.

**Commission Members:**

***Present:*** Caleb Faux, Jacquelyn McCray, Rainer vom Hofe, and Scott Stiles

**Community Development and Planning Staff:** Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Rodney Ringer, Felix Bere, and Jennifer Walke.

**Law Department:**

Julia Carney

**APPROVAL OF MINUTES**

Submission of the minutes from the February 2, 2007 Planning Commission meeting for approval.

<b>Motion:</b>	Ms. McCray moved approval of minutes.
<b>Second:</b>	Mr. vom Hofe
<b>Ayes:</b>	Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Stiles
<b>Nays:</b>	None, <b>motion carried</b>

**CONSENT ITEMS**

**ITEM #1** A report and recommendation on authorizing a lease with T-Mobile Central LLC, to locate antennas on the City-owned Wardall Tower site.

<b>Motion:</b>	Mr. vom Hofe moved approval of Consent Item #1.
<b>Second:</b>	Ms. McCray
<b>Ayes:</b>	Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Stiles
<b>Nays:</b>	None, <b>motion carried</b>

**DISCUSSION ITEMS**

**ITEM #2** A report and recommendation on proposed zone change for 5785 Colerain Avenue and surrounding businesses at the Colerain & Kipling Avenues intersection in the community of Mt. Airy.

*Mr. Rodney Ringer, Senior Planner, presented this item.*

**PURPOSE:** To rezone various properties within the business district located at the Colerain & Kipling Avenues intersection from CC-A Commercial Community-Auto District to OG Office General District and CN-M Commercial Neighborhood-Mixed District to ensure that future uses in the area are more compatible with the abutting properties in the community.

**ADJACENT LAND USE/ZONING:**

**North:** Commercial uses in the CC-A Commercial Community-Auto District and the Municipality of Green Township.

**South:** Single-family & Commercial uses in the SF-6 and CC-A Commercial Community-Auto Districts.

**East:** Commercial, Single-family and Multi-family uses in the CC-A Commercial Community-Auto, SF-6 and RM-2.0 Districts.

**West:** Property abuts the Municipality of Green Township. Their zoning consist of a “DD” Planned Retail District and “D” Retail District.

**BACKGROUND:**

On September 15, 2006 City Planning Commission approved a request by staff on behalf of the Mt. Airy Town Council to study the zoning of 5785 Colerain Avenue and the other surrounding businesses located at the intersection of Colerain Avenue and Kipling Avenue. The area has become a concern of the Mt. Airy Town Council and the City’s North Development Opportunity Team (NDOT). During February 2006 Century Motors, a car dealership, closed their business. However, prior to February 2006 Century Motors was a used car dealership that stored juke vehicles on site. In addition, Century Motors also sold furniture outside on their lot. The Century Motors property is a sub-parcel owned by CVS Pharmacy, which is adjacent to the site.

Prior to the adoption of the existing 2004 zoning code, the business district zoning consisted of O-1 Suburban High-Density Office District and B-2 Community Business District. Under the existing code those old districts have been replaced with the CC-A Commercial Community-Auto District. This district permits uses such as “Vehicle and Equipment Sales and Rentals” which has been a problematic use for the abutting residential property owners and the neighborhood as a whole. The neighborhood is concerned that these types of uses would continue if the zoning for the area is not addressed.



**Figure 1:** Side view of the Old Century Motors facility.



**Figure 2:** Westward view CVS Pharmacy property at the Corporation Limits of the City of Cincinnati and Green Township.



**Figure 3:** Residential housing that abuts the Old century Motors Dealership.



**Figure 4:** View of 5785 Colerain Ave. & Pizza Hut parking lot going South on Colerain Ave.

### **ISSUES:**

There are eleven businesses located within the business district; all but one has an office land use. The current CC-A zoning district allows uses such as Commercial Offices, Personal Services, Eating and Drinking Establishments, Food Markets, Food Preparation, Maintenance and Repair Services, Fuel Sales and Vehicle and Equipment Sales and Rental Uses. The community would like to keep the existing businesses but are concerned about high intensity uses such as auto dealerships in this area. Staff determined that while the CC-A District does fit the auto-oriented Colerain Avenue, the fact that it also abuts residential properties and Mt. Airy Elementary School (currently being renovated) necessitate that these properties be down zoned to create a transition/buffer between the low impact residential uses in Mt. Airy and the higher impact uses along Colerain Avenue in Green Township and Colerain Township. This would soften the transition between residential properties and businesses because the intersection of

Colerain Avenue and Blue Rock Road/Kipling Avenue is the point at which the residential uses along Colerain Avenue stop and the high intensity commercial uses begin. Staff believes that the old Century Motors site (5785 Colerain Avenue) and the remainder of the study area would benefit if the area was rezoned from CC-A to OG and CN-M.



**Figure 5:** South view of City Limits Wash/Tan & Salamone's Evolutions Club along Colerain Avenue.



**Figure 6:** Adjacent residential properties along Colerain Avenue.

### **COMMUNITY RESPONSE:**

Twelve residents in the vicinity of the proposed site attended the October 31, 2006 staff conference and expressed their support for the proposed zone change. The staff also received letters from twenty-two property owners in support of the change. The Mt. Airy Town Council also supported the zone change study.

### **CONCLUSIONS:**

1. The business district under the old zoning code consisted of an O-1 Suburban High-Density Office District and B-2 Community Business District.
2. Staff believes that the study area needs to be down zoned to create a Transition / buffer between the low impact residential uses in the Community of Mt. Airy and the higher impact uses along Colerain Avenue in Green Township and Colerain Township.
3. There are 11 businesses located within the business district of which 10 have an office land use.
4. The area has become a concern of the Mt. Airy Town Council and the City's North Development Opportunity Team (NDOT).
5. The rezoning has the support of the Mt. Airy Town Council.

### **RECOMMENDATIONS:**

The staff of the City Planning Department recommended that the City Planning Commission take the following actions:

Approve the zone change for properties located at 5785 Colerain Avenue as well as the surrounding properties from CC-A Commercial Community-Auto District to OG Office General District and CN-M Commercial Neighborhood-Mixed District in the community of Mt. Airy.

### **DISCUSSION**

Mr. Ringer gave a brief overview of the zoning request and presented a map to illustrate the area. He stated that the Mt. Airy Town Council supported the zone changes and that staff had not received any negative feedback from residents or business owners. He explained that the zone changes would provide a transition/buffer between residential and business districts. Ms. Julia Carney, Law Department, stated that the Jiffy Lube and the car wash would become non-conforming uses.

Ms. Cindy Walsh, President of the Mt. Airy Town Council stated that she and the Town Council supported the zone changes.

**Motion:** Ms. McCray moved approval of Item #2  
**Second:** Mr. Stiles  
**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Stiles  
**Nays:** None, **motion carried**

**ITEM #3** A report and recommendation on a zone change request for property at 2586 Lafeuille Avenue in the community of Westwood.

*Mr. Felix Bere, Senior Planner, presented this item.*

### **GENERAL INFORMATION:**

**Owner/Petitioner:** MLB Hilltop Health Facilities, Inc  
52 East Olive Street  
Long Beach, NY 11561

**Agent:** Steven H. Schreiber  
255 East Fifth Street  
Cincinnati, OH 45202

**Request:** A change of zoning for property at 2586 Lafeuille Avenue in the community of Westwood from RM-1.2 Multi-Family District to CC-M Commercial Community-Mixed District.

**Staff Conference:** On December 19, 2006, a staff conference was held to gather information for a recommendation on the requested zone change for the property (Hilltop Summit Nursing Home) located at 2586 Lafeuille Avenue in the vicinity of Queen City Avenue in Westwood. All in attendance spoke in support of the study and proposed

changes. Staff has received one communication supporting the establishment and operation of a medical office and dialysis clinic at the location. The supporting letter was from Melva Gweyn, president of WCA and dated January 30, 2007.

#### **BACKGROUND:**

**Zoning History:** On November 19, 2006, Steven H. Schreiber on behalf of MLB Hilltop Health Facilities, Inc. petitioned to rezone the subject property from the RM-1.2 Multi-Family District to CC-M Commercial Community-Mixed District. Rezoning this property to CC-M would allow the property owner to add and operate a medical office and dialysis clinic with six stations in an existing space on the ground level of Building #4.

Previously the four-acre campus was zoned R-5 Multi-Family Low-Density District which allowed offices for the practice of medicine, dentistry or optometry as conditional uses. The RM-1.2 that is currently on the property prohibits the proposed uses. The requested CC-M District accommodates larger scale retail and commercial services and would permit establishment and operation of medical offices including dialysis.

#### **FINDINGS:**

**Existing Use:** The study area includes four buildings on a four-acre campus (Hilltop Summit Nursing Home) located at 2586 Lafeuille Avenue in the vicinity of Queen City Avenue. The nursing home campus is made up of four separate buildings, situated on top of a hill. The Nursing and Rehabilitation Center provides both long-term and short-term nursing care for clients in need of their services. The property is surrounded by multi-family residences (apartments) on the north and south; single-family residences on the west; and commercial establishments on the east.

**Proposed Use:** The purpose of this request is to rezone parcels to allow the property owner to establish a facility providing inpatient and outpatient dialysis, a much-needed service in this part of town. Outpatient dialysis centers do currently exist on the west side of town, however, the petitioner's would differ in their capability to provide inpatient dialysis as well. The outpatient dialysis centers which currently exist are able to be utilized only by those patients that are well enough to live at home and are functioning at a higher level than the client that requires a nursing facility setting. Clients are currently being kept in long-term care units in hospitals, which not only are extremely costly but also take up hospital beds needlessly. There are currently two long-term care facilities that offer in-house dialysis, however, they are both located on the eastern side of Cincinnati and have extensive waiting lists.

The current RM-1.2 zoning classification on the property allows mixed residential uses at moderately high densities but does not permit the proposed medical establishment. The requested CC-M District accommodates the establishment and operation of such business. Since an existing CC-M District adjoins the property on the east and provides additional justification for the requested rezoning. Staff considered other zoning designations including CC-P Commercial Community-Pedestrian and CN-P Commercial Neighborhood-Pedestrian but determined that the CC-M was the most appropriate zone.

The change of zoning to CC-M was discussed at the Westwood Civic Association (WCA) meeting where the consensus was to allow the petitioner to establish the proposed new business within a CC-M Commercial Community–Mixed District.

**PLANS:**

The Coordinated City Plan, Volume 2: Strategies for Comprehensive Land Use created December 1980 recommended residential use for the property. While the proposed zone change is not for residential use, the establishment of a new medical office and dialysis clinic complements the existing Hilltop Summit Nursing Home on the site. There are currently no other approved Plans for the Westwood community that encompasses or make reference to the property.

**Justification:**

Staff asserts that CC-M should be adopted since it is in keeping with the goals of the community, would accommodate the proposed development and it is recommended by Westwood Civic Association. Since the property is adjacent to a CC-M zone district, the recommended Commercial Community-Mixed District would not need a transition. Furthermore, rezoning the area from RM-1.2 to CC-M would stabilize and enhance the area resulting in greater compatibility with the existing commercial development sustained by Queen City Avenue, which is an arterial street. The staff supported the proposed zone change to CC-M for the following reasons:

1. All in attendance at the Staff Conference spoke in support of the study and proposed changes.
2. Staff has not received any communication opposing the recommended zone.
3. The Westwood Civic Association supported the proposed business and rezoning to CC-M.
4. Property to be rezoned is adjoining an existing CC-M District to the east of the study area.
5. The proposed Commercial Community-Mixed District would not compromise the area.

**RECOMMENDATION:**

The staff of the City Planning Department recommended that the City Planning Commission take the following actions:

Approve a zone change for property at 2586 Lafeuille Avenue in the community of Westwood from RM-1.2 Multi-Family District to CC-M Commercial Community-Mixed District.

**DISCUSSION**

Mr. Bere gave a brief overview of the zoning request and presented a map to illustrate the area.

Mr. Steve Schreiber, attorney representing the applicant MLB Hilltop Health Facilities, Inc. stated that the proposed medical office and dialysis clinic would be a benefit to the community and asked the Commissioners to support the zone change.

**Motion:** Mr. vom Hofe moved approval of Item #3  
**Second:** Ms. McCray  
**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Stiles  
**Nays:** None, **motion carried**

**ITEM#3A** A report and recommendation on authorizing the City Manager to enter into a Lease Agreement with Fifth-Third Bank for property owned by Fifth-Third Bank located on Fountain Square.

*Ms. Jennifer Walke, Senior Planner, presented this item.*

**BACKGROUND:**

As part of the renovation of Fountain Square, Cincinnati Center City Development Corporation (3CDC) has identified a restaurateur to open a restaurant on Fountain Square; however, more land is needed to construct the restaurant. Approximately  $\frac{3}{4}$  of the 2,000 square foot structure is located on city-owned property on Fountain Square, which is being managed by 3CDC. Approximately 500 square feet is needed from Fifth Third Bank.

This is a long-term lease agreement that the City is assigning to 3CDC. 3CDC would enter into a sublease agreement with the restaurateur. The term of the lease is 99 years. The City is not obligated to pay rent during the term of the lease. The tenant would be responsible for paying for rent of space, including taxes and utilities.

**RECOMMENDATION:**

Department of Community Development and Planning staff recommended that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into a Lease Agreement with the Fifth Third Bank for property owned by Fifth-Third Bank located on Fountain Square.

**DISCUSSION**

Ms. Walke gave a brief overview of the proposed Lease Agreement.

Mr. Stiles thanked the staff for their work to ensure this item would be presented as a by-leave item at this meeting.

**Motion:** Mr. vom Hofe moved approval of Item #3A  
**Second:** Ms. McCray  
**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Stiles  
**Nays:** None, **motion carried**



## **OTHER BUSINESS**

**ITEM #4**      Update on PD #17 zone changes.

*Ms. Jennifer Walke, Senior Planner, presented this item.*

### **DISCUSSION**

Ms. Walke gave a brief history of PD #17 and presented a large map to illustrate the properties included in the Planned Development. She stated that the City Planning Commission reviewed the proposed zone change on December 15, 2006 meeting and referred it to the Economic Development Committee (ED Committee). Ms. Betty Burns, property owner, hired an attorney and raised concerns regarding building heights allowed by the current zoning. The ED Committee put the item on the City Council Agenda recommending passage and directed staff to meet with the interested parties. Meetings were held with Ms. Betty Burns, Mr. Doug Johnson of Johnson Electric and representatives of Verdin Bell. Staff stated that they felt that their recommendation from December 15, 2006 remained the best option.

Ms. Burns stated that she was surprised that the other players were not present. She said that she had sewers and site plans for her property and wanted the opportunity to completely assess the situation regarding building heights before commencing construction.

Ms. Margaret Wuerstle, Chief Planner, stated that the new zoning was in place and that this issue was presented to the Planning Commission Members in order to obtain input. The Commission was not being asked to vote or make a decision in this item. The other property owners are satisfied with the new zoning designation and are aware that if they want changes in the future, they will have to request variances or a zoning change.

Mr. Faux stated that buildings of various heights would be preferable to a “35 foot wall” of buildings. Ms. Julia Carney, Law Department, stated that the north side was in a Hillside District and has height and envelope limits. She added that the RM.7 has a 35 foot height limit for single-family homes and townhouses.

Mr. Faux asked if a PD could be created on the north side of the properties. Ms. Wuerstle explained that since there were multiple property owners, it would not be possible. Ms. Walke added that some of the other individual property owners had expressed interest in future use of a PD.

Ms. Burns asked what the size requirement was for a PD and Ms. Walke answered two acres. Ms. Wuerstle stated that size waivers might be possible and agreed to meet with Ms. Burns to discuss the possibility of a PD designation on her property.

**ADJOURN**

**Motion:** Mr. vom Hofe moved to adjourn  
**Second:** Ms. McCray  
**Ayes:** Mr. Faux, Ms. McCray, Mr. vom Hofe and Mr. Stiles  
**Nays:** None, **motion carried**

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Margaret A. Wuerstle, AICP  
Chief Planner

\_\_\_\_\_  
Caleb Faux, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_